

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION: 04-CV-11069-JLT

ABRAHAM PHILIP, MD)
)
Plaintiff,)
)
vs.)
)
JOHN CRONIN, in his personal)
capacity.)
)
Defendant.)

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON ISSUE OF "SPEECH
OF PUBLIC CONCERN"

Pursuant to F.R.Civ.P. 56(a) and (d), the plaintiff moves for partial summary judgment on one of the dispositive issues in this case. That issue is whether Plaintiff-Dr. Philip engaged in speech related to "matters of public concern" before he was terminated from his employment with the Office of the Chief Medical Examiner (OCME).

As reasons therefore:

1. In order for Dr. Philip to prevail in this action, he must prove that his speech was related to a matter of public concern.
2. The defendant claims his speech did not relate to a matter of public concern.
3. The trial will be expedited and justice will be promoted through an early

resolution of this issue.

4. An early resolution of this issue will save judicial resources.
5. The defendant's position, that the speech at issue was not on a matter of public concern, is frivolous. The court should consider whether sanctions are appropriate.
6. A brief in support of this issue has been filed.

RELIEF REQUESTED

For the reasons of fact and law set forth in this brief, the plaintiff requests that the court:

- (1) find, as a matter of law, that Dr. Philip's speech was speech on a matter of public concern;
- (2) rule that the issue of speech on a matter of public concern is established for trial; and
- (3) grant such other relief as is just and equitable under the circumstances.

Respectfully Submitted,

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Certificate of Service

Daniel S. Sharp certifies that a copy of the document above was served by U.S. Mail, first class, with postage affixed, on counsel for all opposing parties on Thursday, June 09, 2005 to:

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